

ENTERED

February 07, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SARAH PALMQUIST, *et al.*,

Plaintiffs,

VS.

THE HAIN CELESTIAL GROUP,
INC.,

Defendant.

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NO. 3:21-CV-90

ORDER

The following rulings arise from this afternoon's continuation of pretrial arguments by the parties in open court.

1. The cut-off date for consumer complaints admissible for the non-hearsay purpose of showing notice will be the date at which the Palmquists stopped feeding Earth's Best Baby Food to Ethan. Whether an individual consumer complaint is otherwise inadmissible, partially or completely, will be handled on an exhibit-by-exhibit basis.
2. The HBBF, Abt, and EDF reports may be sued to cross-examine Raul Fajardo on Hain's notice about growing concern over heavy-metal levels in baby food
3. The Hain code of conduct may be used to cross-examine Raul Fajardo; the court will consider a limiting instruction to the jury rendered either orally from the bench or in the written jury instructions at the end of the case, or both.
4. The plaintiffs may use their exhibits 50, 89, and 95 in their opening statement, but the use of exhibit 50 is limited to the remark in the Hain-employee email about consumers requests to

see testing results. The court will consider a limiting instruction or entertain an agreed-redacted version that omits the complaint's assertions.

5. Hain may use its exhibit 48 in its opening statement.
6. The court will admit a redacted version of the congressional report. The parties should attempt to agree on redactions, bringing any disputes to the court's attention for ruling. By agreeing to redactions, the court acknowledges that Hain does not waive its objections to the admission of even a redacted version of the report.
7. The court is ruling on objections to Allison Milewski's deposition excerpts in accordance with the above.

Signed on Galveston Island this 7th day of February, 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE